

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEVIN D. WALKER, et al.,

Plaintiffs,

vs.

EVANS, et al.,

Defendant(s).

C 05-3692 MMC (PR)

**ORDER OF DISMISSAL; DENYING
MOTIONS TO AMEND; DENYING
APPLICATION TO PROCEED IN
FORMA PAUPERIS**

(Docket Nos. 2 - 4)

Plaintiff Melvin Walker, a California prisoner proceeding pro se and currently incarcerated at Salinas Valley State Prison ("SVSP"), Soledad, California, filed the above-titled action pursuant to 42 U.S.C. § 1983, purportedly on behalf of himself and five other named plaintiffs. He seeks to proceed as a class action on behalf of all inmates housed in administrative segregation at SVSP, claiming their constitutional rights have been violated in that they have been deprived of sufficient time outdoors. Subsequent to the filing of the complaint, plaintiff filed two separate motions, each titled Motion to Amend Classaction (sic) Complaint, by which he seeks, inter alia, to add claims based on unsanitary exercise conditions.

Pro se prisoner plaintiffs may not bring class actions. They are not qualified to act as class representatives as they are unable to fairly represent and adequately protect the interests of the class. See Fed. R. Civ. P. 23(a); Oxendine v. Williams, 509 F.2d 1405, 1407 (4th Cir. 1975); see also Russell v. United States, 308 F.2d 78, 79 (9th Cir. 1962) (holding that "a litigant appearing in propria persona has no authority to represent anyone other than himself").

Accordingly, plaintiff's motions to amend are DENIED, and the above-titled action is

1 hereby DISMISSED, without prejudice to plaintiff's filing a new action solely on his own
2 behalf.


3 In light of the dismissal, the application to proceed in forma pauperis is DENIED and no
4 fee is due.

5 This order terminates Docket Nos. 2, 3 and 4.

6 The Clerk shall close the file.

7 SO ORDERED.

8 DATED: October 28, 2005

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MAXINE M. CHESNEY
10 United States District Judge
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